

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★-X JUN 30 2005 ★

D&F
C/m

KENNETH MYERS,

Petitioner,

P.M. _____
TIME A.M. _____

-against-

ORDER
04-CV-4365(ERK)

WILLIAM PHILLIPS,

Respondent.

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Korman, Ch. J.

I adopt the recommendation of the United States magistrate judge contained in his e-mail of May 24, 2005. I had previously ordered petitioner to exhaust his state remedies and given him 45 days to commence state proceedings. The United States magistrate judge has recommended that I extend petitioner's time to commence state court proceedings. The period to begin running from the date of petitioner's receipt of (1) the Brooklyn District Attorney's response to his FOIL request (anticipated in June) and (2) copies of Myers's trial transcripts (to be provided by Brooklyn the District Attorney).

I grant petitioner six months from the date of the receipt of the foregoing documents to commence his state court proceedings. The District Attorney is directed to advise me in writing of the date when these documents have been provided to petitioner.

SO ORDERED:

Brooklyn, New York
June 24, 2005

s/Edward R. Korman
Edward R. Korman
United States Chief District Judge